

Appl. No. 10/056,554
Reply to Final Office Action of February 16, 2005

REMARKS

This Amendment is responsive to the Final Office Action dated February 16, 2005. Applicant has canceled claims 1, 11-32, 34-41, 47 and 48, amended claims 2-10, 33 and 42, and added new claims 49 and 50. Upon entry of this Amendment, claims 2-10, 33, 42-46, 49 and 50 would be pending.

Claims 1, 11-32, 34-41, 47 and 48 have been canceled to expedite prosecution toward allowance, and without prejudice to the submission of such claims in a future continuation application. Applicant does not acquiesce in the rejections raised by the Examiner against such claims, and reserves the right to pursue the claims and traverse the rejections in the future.

Applicants have amended claims 2-10 and 33 so that all claims are dependent on claim 42, which was indicated to be allowable. In addition, new claims 49 and 50 are dependent on claim 42. Upon entry of this amendment, all claims in the application should be in condition for allowance. Applicants therefore request entry of this Amendment. In light of the Examiner's indication of allowable subject matter in claims 42-46, and the dependency of all other claims on claim 42, entry of the Amendment should not require any further search or raise any new issues for consideration by the Examiner.

Claim Objection

In the Office Action, the Examiner objected to claim 48 due to an informality. Claim 48 is canceled.

Claim Rejection Under 35 U.S.C. § 112

In the Office Action, the Examiner rejected claims 33, 39, and 41-46 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claims 33 and 42 for purposes of clarification. Claims 39 and 41 are canceled. Applicant submits that claims 33 and 42-46, as amended, meet the requirements of 35 U.S.C. 112, second paragraph. Therefore, Applicant respectfully requests withdrawal of the rejection.

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Claim Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 1, 3, 7, 9-11, 13, 17, 19-21, 24, 28, 30-32, 35, 38, 41, 47 and 48 under 35 U.S.C. § 103(a) as being unpatentable over Hood, Jr. (U.S. Patent No. 5,746,203) and further in view of Owen et al. (U.S. Patent No. 6,304,780); rejected claims 2, 12, 22 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Hood, Jr. in view of Owen et al., and further in view of Nitschke et al. (U.S. Patent No. 6,463,555); rejected claims 4-6, 14-16 and 25-27 under 35 U.S.C. § 103(a) as being unpatentable over Hood, Jr. in view of Owen et al., and further in view of Sirazi et al. (U.S. Patent No. 4,586,179); rejected claims 8, 18 and 29 under 35 U.S.C. § 103(a) as being unpatentable over Hood, Jr. in view of Owen et al., and further in view of official notice; and rejected claims 33, 34, 36, 37, 39 and 40 under 35 U.S.C. § 103(a) as being unpatentable over Hood, Jr. in view of Owen et al., and further in view of Fleming (U.S. Patent No. 6,820,221).

Applicant respectfully traverses the rejections. The applied references fail to disclose or suggest the inventions defined by Applicant's claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention. In light of Applicants' claim cancellations and amendments, and the indication of allowable subject matter in claims 42-46, the various rejections should now be moot. Nevertheless, Applicant does not acquiesce in the rejections raised by the Examiner against such claims, and reserves the right to pursue the claims and traverse the rejections in future continuation applications.

New Claims

Applicant has added claims 49 and 50 to the pending application. The applied references fail to disclose or suggest the inventions defined by Applicant's new claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed inventions. No new matter has been added by the new claims.

As one example, the references fail to disclose or suggest a user interface module to control input and output of information for an operator, the user interface module including a third processor that generates a third handshake signal, wherein the system control module includes a second watchdog timer software process corresponding to the first watchdog timer

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hardware unit, the second watchdog timer software process resetting the third processor when the third handshake signal is not generated within the first time interval, as recited by claim 49.

Also, the references fail to disclose or suggest a patient parameters module to process one or more physiological parameters of the patient, the patient parameters module including a third processor that generates a third handshake signal, wherein the system control module includes a second watchdog timer software process corresponding to the first watchdog timer hardware unit, the second watchdog timer software process resetting the third processor when the third handshake signal is not generated within the first time interval, as recited by claim 50.

CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

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